

CASE SUMMARY

CASE No. 90495

FANNIE SLAUGHTER
vs.
WALMART INC.

§
§
§
§

Location: 62nd District Court
Judicial Officer: Biard, Will
Filed on: 07/22/2021

CASE INFORMATION

Case Type: Injury/Damage - Other Injury
or Damage





Case
Status: 07/22/2021 Filed

PARTY INFORMATION

Plaintiff	Slaughter, Fannie	<i>Attorneys</i> LANGLEY, WILLIAM R. <i>Retained</i> 713-230-2200(W)
Defendant	Walmart Inc.	MERRITT, EDWARD L. <i>Retained</i> 903-757-4001(W)

DATE

EVENTS & ORDERS OF THE COURT

07/22/2021	 ISSUED CITATION
07/22/2021	 Original Petition (OCA)
07/27/2021	 SERVED CITATION
08/16/2021	 DEFENDANTS ORIGINAL ANSWER



**Service of Process
Transmittal**

07/23/2021

CT Log Number 539957474

TO: Kim Lundy- Email
Walmart Inc.
702 SW 8TH ST
BENTONVILLE, AR 72716-6209

RE: Process Served in Texas

FOR: WALMART INC. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Slaughter Fannie, Pltf. vs. Walmart Inc., Dft.

DOCUMENT(S) SERVED: Citation, Return(s), Petition

COURT/AGENCY: 62nd Judicial District Court Lamar County, TX
Case # 90495

NATURE OF ACTION: Personal Injury - Slip/Trip and Fall - 08/05/20219, Sam's Club #148 located at 3855 Lamar Avenue, Paris, TX, 75462

ON WHOM PROCESS WAS SERVED: C T Corporation System, Dallas, TX

DATE AND HOUR OF SERVICE: By Process Server on 07/23/2021 at 15:29

JURISDICTION SERVED : Texas

APPEARANCE OR ANSWER DUE: By 10:00 a.m. on the Monday next following the expiration of 20 days after service (Document(s) may contain additional answer dates)

ATTORNEY(S) / SENDER(S): William R. Langley
Williams Hart Boundas Easterby, L.L.P.
8441 Gulf Freeway, Suite 600
Houston, TX 77017
713-230-2200

ACTION ITEMS: CT has retained the current log, Retain Date: 07/23/2021, Expected Purge Date: 07/28/2021

Image SOP

REGISTERED AGENT ADDRESS: C T Corporation System
1999 Bryan Street
Suite 900
Dallas, TX 75201
877-564-7529
MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

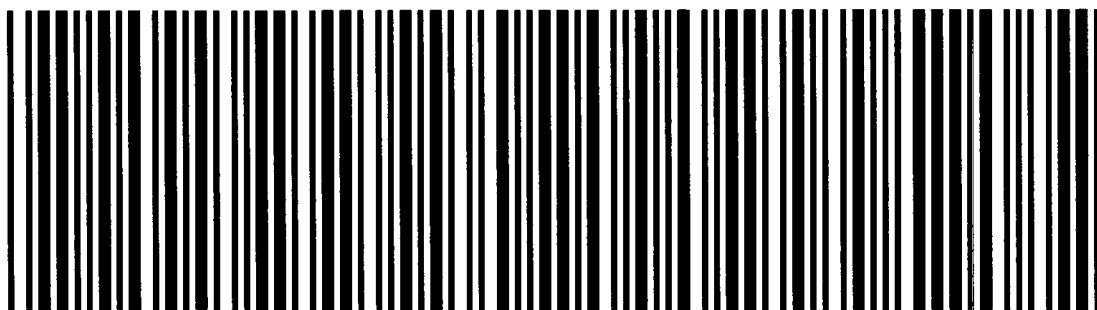


PROCESS SERVER DELIVERY DETAILS

Date: Fri, Jul 23, 2021

Server Name: Guy Connelly

Entity Served	WALMART INC.
Case Number	90495
Jurisdiction	TX



CITATION - PERSONAL

CLERK OF THE COURT
SHAWNTEL GOLDEN
119 N. MAIN ST.
ROOM 405
PARIS, TX 75460

ATTORNEY FOR PLAINTIFF
HONORABLE William R. Langley
8441 Gulf Freeway Suite 600
Houston Tx 77017-5001

THE STATE OF TEXAS

NOTICE TO DEFENDANT:

"YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU. IN ADDITION TO FILING A WRITTEN ANSWER WITH THE CLERK, YOU MAY BE REQUIRED TO MAKE INITIAL DISCLOSURES TO THE OTHER PARTIES OF THIS SUIT. THESE DISCLOSURES GENERALLY MUST BE MADE NO LATER THAN 30 DAYS AFTER YOU FILE YOUR ANSWER WITH THE CLERK. FIND OUT MORE AT TEXASLAWHELP.ORG. FAILURE TO FILE AN ANSWER, A JUDGMENT BY DEFAULT MAY BE RENDERED FOR THE RELIEF DEMANDED IN THE PETITION."

TO: WALMART, INC.
BY SERVING REGISTERED AGENT CT CORPORATION SYSTEM
1999 BRYAN ST. SUITE 900
DALLAS TX 75201,

GREETINGS:

You are commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURES at or before 10:00 o'clock a.m. of the Monday next after the expiration of 20 days after the date of service hereof, before the 2nd District Court of Lamar County at the Courthouse in Paris, Texas.

Said petition/pleading was filed on July 22, 2021.

The file number of said suit is Cause No. 90495

The style of the case is:

FANNIE SLAUGHTER
vs.
WALMART INC.

A copy of the petition/pleading accompanies this citation.

ISSUED AND GIVEN UNDER MY HAND AND SEAL OF SAID COURT, at office in Paris, Texas on this the 22nd day of July, 2021.

Shawntel Golden
SHAWNTEL GOLDEN
DISTRICT CLERK
LAMAR COUNTY, TEXAS



BY: *Jess Anderson*, DEPUTY

OFFICER'S RETURN

90495

62nd District Court

FANNIE SLAUGHTER

vs.

WALMART INC.

ADDRESS FOR SERVICE:

Walmart Inc.

BY SERVING REGISTERED AGENT CT CORPORATION SYSTEM

1999 BRYAN ST SUITE 900

DALLAS TX 75201

Came to hand on the _____ day of _____, 20____, at _____, o'clock _____.m., and executed in _____ County, Texas by delivering to each of the within named defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURES at the following times and places, to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
_____	_____	_____

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being:

_____ and the cause or failure to execute this process is:

_____ and the information received as to the whereabouts of said defendant(s) being:

FEES:

Serving Petition and Copy \$ _____

Total \$ _____

_____, Officer

_____, County, Texas

By: _____, Deputy

Affiant**COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.**

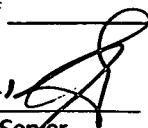
In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The return must either be verified or be signed under penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is _____, my date of birth is _____, and my address is _____
(First, Middle, Last)

(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____, on the _____ day of _____, 20____.

7/23/21 
Declarant/Authorized Process Server

(Id # & expiration of certification)

Tess Anderson

NO. 90495

FANNIE SLAUGHTER,

Plaintiff,

v.

WALMART INC.

Defendant.§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

LAMAR COUNTY, T E X A S

Lamar County - 62nd District Court

JUDICIAL DISTRICT**PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURES**

Plaintiff FANNIE SLAUGHTER ("Plaintiff") brings this action against WALMART INC. ("Defendant") and would show the Court as follows:

I. Jurisdiction and Venue

1. This Court has jurisdiction over the subject matter of this lawsuit and over the persons and companies referenced above because they are domiciled in this State and/or have sufficient minimum contacts with this State and Plaintiff's claims arise from those contacts.
2. Venue is proper in this Court pursuant to Tex. Civ. Prac. Rem. Code § 15.002.

II. Parties

3. Plaintiff, Fannie Slaughter, is an individual residing in Parker County, Texas.
4. Defendant, Walmart Inc. is a Delaware corporation, with its principal place of business at 702 SW 8th St., #555, Bentonville, Arkansas 72716-6299. Defendant may be served via its registered agent for service in the State of Texas, C T Corporation System, 1999 Bryan St., Suite 900, Dallas, Texas 75201.

III. Discovery Level

5. Discovery may be conducted under Level 3 of the Texas Rules of Civil Procedure.

IV. Facts

6. On or around August 5, 2019, Plaintiff Fannie Slaughter entered Sam's Club #148, located at 3855 Lamar Avenue, Paris, Texas 75462. Upon exiting the store's self-checkout area and attempting to return to her vehicle, Mrs. Slaughter slipped and fell due to a wet floor in the general vicinity of the self-checkout area, and suffered severe and debilitating injuries, including a severe injury to her knee.

7. Mrs. Slaughter's fall was caused by a dangerous condition unknown to her.

8. Upon information and belief, Defendant created, or at a minimum knew of, the unsafe condition that caused Ms. Slaughter's injuries. Defendant's failure to warn Ms. Slaughter of the dangerous condition or to take reasonable steps to address the hazardous condition caused Ms. Slaughter's injuries.

V. Causes of Action

A. Negligence/Premises Liability

9. Plaintiff incorporates the allegations above as if fully set forth herein.

10. Defendant owed a legal duty to Ms. Slaughter to use reasonable care to protect against unreasonable risk of harm of which Defendant knew or reasonably should have known.

11. Defendant breached its duty to Ms. Slaughter by

- a. Failing to use reasonable care to protect Plaintiff against unreasonable risk of harm;
- b. Failing to make safe dangerous conditions such as wet floors that posed an unreasonable risk;
- c. Failing to adequately warn Plaintiff of the fact that the floor was wet; and
- d. Failing to maintain adequate safeguards around the dangerous condition to render the premises reasonably safe to accommodate visitors to the store.

12. The above cited acts of negligence were the cause of the incident.
13. As a result of the incident, Plaintiff has suffered severe injuries.

VI. Jury Demand

14. Plaintiff hereby demands a jury trial.

VII. Required Disclosures

15. Pursuant to Texas Rule of Civil Procedure 194(a), each Defendant is required to disclose, within thirty (30) days of the filing of the first answer, the information or material described in Rule 194.2(b)1-12. Any Defendant that is served or otherwise joined after the filing of the first answer must make their initial disclosures within thirty (30) days after being served or joined.

VIII. Rule 193.7 Notice

16. Plaintiff provides notice under Texas Rule of Civil Procedure 193.7 of her intent to use any and all documents produced by Defendant.

IX. Prayer

17. Plaintiff prays that citation issue and be served upon Defendant requiring it to appear and answer. Plaintiff seeks damages in excess of the minimum jurisdictional limits of this court, monetary relief in excess of \$1,000,000, pre-judgment and post-judgment interest, court costs, and all such other relief to which Plaintiff shows herself justly entitled, including but not limited to:

- a. Actual damages;
- b. Past and future lost wages;
- c. Past and future medical expenses;
- d. Past and future physical pain;
- e. Past and future mental anguish;

- f. Past and future impairment; and
- g. Past and future loss of household services.

Respectfully submitted,

**WILLIAMS HART BOUNDAS
EASTERBY, L.L.P**

/s/ William R. Langley

JIM HART

State Bar No. 09147400

CESAR TAVARES

State Bar No. 24093726

WILLIAM R. LANGLEY

State Bar No. 24102061

8441 Gulf Freeway, Suite 600

Houston, Texas 77017-5001

(713) 230-2200 – Telephone

(713) 643-6226 – Facsimile

PIDept@whlaw.com

/s/ Daniel G. Gibbins

Daniel G. Gibbins

State Bar Card No. 24097734

dan@gibbinslaw.com

GIBBINS LAW, PLLC

100 E. Ferguson St., Ste. 1018

TYLER, TX 75702

Tel. (903) 405-1752

Fax. (903) 405-1763

Tess Anderson

CAUSE NO. 90495

FANNIE SLAUGHTER,	§	IN THE DISTRICT COURT
	§	
<i>Plaintiff,</i>	§	
	§	
vs.	§	62ND JUDICIAL DISTRICT
	§	
	§	
WALMART, INC.,	§	
	§	
<i>Defendant.</i>	§	LAMAR COUNTY, TEXAS

DEFENDANT'S ORIGINAL ANSWER**TO THE HONORABLE JUDGE OF SAID COURT:**

Defendant files this Original Answer to the Plaintiff's Original Petition and in support thereof, respectfully shows the Court the following:

I. General Denial

Pursuant to Texas Rule of Civil Procedure 92, Defendant generally denies, all and singular, each and every material allegation contained in Plaintiff's Original Petition and Request for Disclosures; Defendant says that same are not true in whole or in part and demand strict proof thereof as required by the Constitution and Laws of the State of Texas.

II. Affirmative Defenses

By way of further defense, Defendant would show that the incident was caused in whole or in part by the negligent acts or omissions of Plaintiff and/or a third person who is or is not currently a party to this action.

Pleading further, and in the alternative, if such be necessary, and subject to the foregoing pleas, and without waiving same, Defendant would state that in the event Defendant is held legally responsible to Plaintiff, any such responsibility being expressly denied by Defendant, then Defendant hereby invokes the provisions of Chapter 33 Comparative/Proportionate Responsibility of the Tex. Civ. Prac. & Rem. Code, which provisions would entitle Defendant, among other things, to reduction for the negligence, liability, responsibility or other conduct alleged which is attributable to any other party or settling person or third party. Alternatively, Defendant would invoke the provisions of Chapter 32 and Chapter 33 of the Tex. Civ. Prac. & Rem. Code as that Code affects the rights of contribution and indemnity between parties to litigation in the State of Texas, and the provisions thereunder whereby Defendant is entitled to a credit for any settlement paid or to be paid to Plaintiff.

To the extent that Plaintiff's medical expenses exceed the amount actually paid on Plaintiff's behalf to Plaintiff's medical providers, Defendant asserts the statutory defense set forth in Section 41.0105 of the Texas Civil Practice and Remedies Code. Thus, recovery of Plaintiff's medical or health care expenses is limited to the amount actually paid or incurred by or on behalf of Plaintiff.

To the extent that any health care provider has written off its charges for medical care for Plaintiff and/or paid charges for medical care in connection with the injuries underlying this suit, and in the unlikely event that Plaintiff obtains a final judgment against Defendant, Defendant is entitled to a credit and/or offset for the total amount of such write-offs and/or expenditures incurred and paid by others and accruing to Plaintiff pursuant to Texas Civil Practice & Remedies Code Section 41.0105.

III. Jury Demand

Defendant herein demands a trial by jury.

IV.

Defendant specially reserves the right to plead further prior to the time of trial of this lawsuit.

V. Prayer

WHEREFORE, PREMISES CONSIDERED, Defendant prays that Plaintiff take nothing, that Defendant recover its costs of suit, and for such other and further relief to which Defendant may show itself justly entitled, both special and general, at law or in equity.

Respectfully submitted,

By: /s/ Edward L. Merritt
Edward L. Merritt
Tex. Bar No. 13967400
Jessica M. LaRue
Tex. Bar No. 24076019
**HARBOUR, SMITH, HARRIS &
MERRITT, P.C.**
222 N Fredonia Street
P.O. Drawer 2072
Longview, TX 75606
Telephone: 903-757-4001
Facsimile: 903-753-5123
Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above instrument was electronically filed with the Court's e-filing system and a copy served thereby on all counsel of record this 16th day of August, 2021.

/s/ Edward L. Merritt
EDWARD L. MERRITT